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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/673,890 | 09/29/2003 | Yasuhiro Abe | 848075-0058 | 1991 |

29619 7590 07/11/2007
SCHULTE ROTH & ZABEL LLP
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919 THIRD AVENUE
NEW YORK, NY 10022

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| EXAMINER |
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NGUYEN, KHAI MINH

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| ART UNIT | PAPER NUMBER |
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2617

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| MAIL DATE | DELIVERY MODE |
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07/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding..

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 10/673,890 | Applicant(s) ABE, YASUHIRO | |
| | Examiner Khai M. Nguyen | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓ | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-3 and 5-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3 and 5-12 rejected under 35 U.S.C. 102(a) as being anticipated by Kiumi Hideo (JP-2001-313701)

Regarding claim 1, Kiumi Hideo teaches a portable terminal (fig.1) comprising:

a first housing having a display unit (fig.1 and 5 1st case, LCD 22 and 32);

a second housing having a main input unit (fig.1 and 5, 2nd case, key group 33), and connected openably (fig.1 and 6, hinge region 11) and closably to said first housing (fig.1 and 5, hinge region 11, paragraph 0047); and

an auxiliary input unit arranged on a surface other than mutually facing surfaces of both of said housings in a closed state (fig.5b, 3D jog dial, paragraph 0043-0044);

wherein said display unit (fig.1 and 5, LCD 32 and 22) is visible to a user in said closed state (LCD 32) and an opened state (LCD 22) (fig.1 and 5, paragraph 0043-0044),

a screen on said display unit (LCD 32) is able to display a first selection screen which is appropriate for an operation by said auxiliary input unit (fig.5b, 3D jog dial) when both of said housings are in said closed state (fig.5b, 3D jog dial, paragraph 0043-0045), and

a screen on said display unit (LCD 22) is able to display a second selection screen which is appropriate for an operation by said main input unit (fig.1 and 5, key group 33, paragraph 0049) when both of said housings are in said opened state (fig, 5a, paragraph 0043-0045), and

the portable terminal further comprising:

a state detecting device (fig.6, detection switch 53 and 51) which detects opening and closing of both said housings (paragraph 0061-0063);

a control device (3D jog dial (control unit) 26), which switches a display screen on said display unit (paragraph 0019-0020); wherein said control device switches between said first selection screen (paragraph 0021-0023) and said second selection screen in accordance with a state detected by said state detecting device (paragraph 0061-0063).

Regarding claim 2, Kiumi Hideo teaches a portable terminal according to claim 1, wherein said first selection screen arranges items one-dimensionally (3D jog dial 26,

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paragraph 0017-0020), and said second selection screen arranges items multi-dimensionally (3D jog dial 26, paragraph 0017-0020)

Regarding claim 3, Kiumi Hideo teaches a portable terminal according to claim 2, wherein said items of said first selection screen are based on characters (3D jog dial 26, paragraph 0017-0020), and said items of said second selection screen are icons (3D jog dial 26, paragraph 0017-0020).

Regarding claim 5, Kiumi Hideo teaches a portable terminal according to claim 1, wherein items on said first selection screen are based on characters (paragraph 0017-0020), items on said second selection screen are based on icons (3D jog dial 26, paragraph 0017-0020), and when a selection screen has been switched in response to an opening action or a closing action from a state in which an item on said first or said second selection screen has been selected (paragraph 0061-0063), said item remains selected in a form of a character or an icon corresponding to said first or said second selection screen (3D jog dial 26, paragraph 0017-0020).

Regarding claim 6, Kiumi Hideo teaches a portable terminal according to claim 1, wherein said main input unit (key group 33) includes a key capable of being two-dimensionally operated (paragraph 0017-0020), and said auxiliary input unit (3D jog dial 26) includes a lever capable of being one-dimensionally operated (paragraph 0017-0020).

Regarding claim 7, Kiumi Hideo teaches a portable terminal according to claim 1, wherein said portable terminal is a personal digital assistant (paragraph 0001).

Regarding claim 8, Kiumi Hideo teaches a portable terminal according to claim 1, wherein said portable terminal is a portable telephone (paragraph 0001).

Regarding claim 9, Kiumi Hideo teaches a portable terminal comprising:

a first housing having at least a display unit (fig.1 and 5 1st case, LCD 22 and 32);

a second housing having at least a main input unit (fig.1 and 5, 2nd case, key group 33), and connected openably and closably to said first housing (fig.1 and 5, hinge region 11, paragraph 0047); and

an auxiliary input unit (fig.5b, 3D jog dial 26) arranged on a surface other than mutually facing surfaces of both of said housings in a closed state (fig.5b); wherein said display unit (fig.5b, LCD 32) is visible to a user in said closed state (fig.5b, paragraph 0043-0045) and an opened state (fig.5a, LCD 22, paragraph 0043-0045),

a screen on said display unit (LCD 32) is able to display a first selection screen which is appropriate for an operation by said auxiliary input unit (fig.5b, 3D jog dial 26) when both of said housings are in said closed state (fig, 5b, paragraph 0043-0045), and

a screen on said display unit (LCD 22) is able to display a second selection screen which is appropriate for an operation by said main input unit (fig.1 and 5, key group 33, paragraph 0049) when both of said housings are in said opened state (fig, 5a, paragraph 0043-0045), and

the portable terminal further comprising:

a state detecting device (fig.6, detection switch 53 and 51) which detects opening

and closing of both said housings (paragraph 0061-0063);

a control device (3D jog dial (control unit) 26), which switches a display screen on said display unit (paragraph 0019-0020); wherein said control device switches between said first selection screen (paragraph 0021-0023) and said second selection screen in accordance with a state detected by said state detecting device (paragraph 0061-0063).

Regarding claim 10, Kiumi Hideo teaches a portable terminal according to claim 9, wherein said main input unit (fig.1 and 5, key group 33, paragraph 0049) includes a key capable of being two-dimensionally operated (paragraph 0016), and said auxiliary input unit (3D jog dial 26) includes a lever capable of being one-dimensionally operated (paragraph 0017-0020), and wherein said items on said first selection screen can be selected by said lever operation (paragraph 0017-0020), and said items on said second selection screen can be selected by said key operation (paragraph 0017-0020).

Regarding claim 11, Kiumi Hideo teaches a portable terminal according to claim 9, wherein said portable terminal is a personal digital assistant (paragraph 0001).

Regarding claim 12, Kiumi Hideo teaches a portable terminal according to claim 9, wherein said portable terminal is a portable telephone (paragraph 0001).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

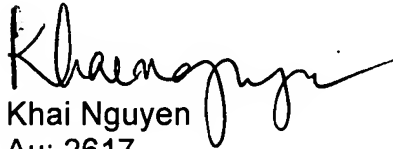
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571.272.7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Khai Nguyen
Au: 2617

6/30/2007


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